

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 8<sup>th</sup> day of July, 2013 in the First Floor Court Room, 183 Main Street, Cornwall, NY 12518

PRESENT: Deputy Supervisor  
Councilpersons

MARY BETH GREENE  
ALEXANDER MAZZOCCA  
ELIZABETH LONGINOTT

ABSENT: Supervisor  
Councilman

D. KEVIN QUIGLEY  
RANDOLPH CLARK

**Pledge of Allegiance**

**Approval of Minutes – June 10, 2013 Regular Meeting -- A** motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Public Comment Agenda Items** – Mr. Tom DiCarrado advised that as per the Work Session he would like to discuss following points:

1. Leadership role of the Town – Mr. DiCarrado stated that the people of Cornwall elected the Town Board to handle matters such as the geese issue, and what happened unfortunately is that the Town gave up that leadership role to an outside agency – the United States Department of Agriculture, and we would like for that not to happen again. Mr. DiCarrado advised that the USDA has been known to be very heavy handed when it comes to geese removal and their interpretation is different than ours. They are not required to kill the geese and the parameters should be a 3 mile radius. It is important that we educate the Board to the full view rather than just the view they received from the USDA. Mr. DiCarrado said that the people would like some sort of reassurance from the Board that this will not happen again either by local law or a number of other ways, but most importantly the Board needs to maintain control.
2. No notice – Mr. DiCarrado advised that in the future he would appreciate it if there was more notice as this was done without any notice or communication with the community. The geese already taken cannot be saved from the slaughter house, but moving forward, we can make sure that there will be public input. Most of the community is still not aware that the geese are gone.
3. Committee – Mr. DiCarrado stated that if the Town was to form a committee and their purpose is to gather information from goose watch or geese peace to educate themselves; then that is good, but we still want you to continue to be the leaders and learn of all the available options, but we do not believe that you did that in this case.

Deputy Supervisor Greene stated for the record that the Town Clerk is in receipt of Wildlife Watch Inc., and did give copies to all the Board members. Ms. Margaret LaRose wanted to

know if they should be commenting now before the Board approaches it during the agenda. Deputy Supervisor advised that yes, now was the time for everyone present to speak. Ms. LaRose stated that she did not realize that the geese were already terminated, and that she was appalled and stated that there has to be a better way to control the geese population. Ms. LaRose added that if this program was in fact about airport safety; she wondered what other municipalities are doing, or is this about not wanting the geese poop in the park. Mr. Brian Shapiro the New York State Director of the Humane Society of the United States thanked the Board for the opportunity to speak tonight. Mr. Shapiro wanted to extend an invitation to the Town to try some non-lethal methods for geese control. Mr. Shapiro advised that he was previously the chair of the Ulster County Environmental Committee, and served in Legislature for 7 years as well as he was a member of the Woodstock Town Board; so he had a varied background, and a very good idea of balancing, and knows that the Town, USDA and everyone here agrees that human safety is paramount. Mr. Shapiro stated that what we need to do is control the population respectfully by altering the environment to dissuade the geese from setting up. Mr. Shapiro advised that he was more than willing to help in any way possible. Mr. Shapiro suggested using border collies and certain plantings to dissuade the geese from staying. Mr. Bill Fogerty advised that his daughter-in-law Amelia, from Washington D. C. did some research and found a company by the name of awaywithgeese.com that provide humane methods by using solar strobe lights that the Town should look at as a possible resource to discourage the geese from staying in Cornwall. Ms. Carol Morrissy advised that she just found out about this and was very disturbed about the way the Board handled this issue quietly without holding a special meeting to help find a solution. Ms. Morrissy added that she would be more than happy to join the committee. Ms. Morrissy also advised that she works at Indian Point, and after a lot of research, they purchased silhouettes of a coyotes with an attached scent pad that keeps the geese away. Ms. Morrissy gave the information to Deputy Supervisor GREENE. Ms. Leslie Blue stated that she felt really betrayed by the elected officials, and advised that she did not know how to tell her grandson where all the geese went when he asked. Deputy Supervisor GREENE stated for the record that the letter received was read at a Work Session publically that Tuesday night and then a week prior to the Board meeting again. The letter was read aloud to the public from the USDA advising the Town Board that they were working with Stewart Air National Guard and Stewart International Airport regarding aviation safety. Ms. Elaine Sloan advised that the USDA also uses non-lethal methods. They are currently doing this with the Town of Monroe. Ms. Sloan added that there are just so many non-lethal methods that could have been used, and that there was no excuse for killing these innocent birds. Ms. Nancy Lewitt advised that she has a passion for the birds and did not attend the fireworks in protest, and put a sign out front saying reserved for the geese. Ms. Lewitt advised that it was good to see so many people who care, and that they have to attend more of the meetings because people just are not aware of what goes on and stated that the Board did not listen to her. Ms. Darlene Kohrs advised that she felt that the USDA did not give the Town enough time to think about this, and the Town should have informed the public. Ms. Kohrs added that she believes that the real reason the geese were killed is because it was a week before the 4<sup>th</sup> of July and the Town Board did not want geese poop on the grounds and had nothing to do with aviation safety. Ms. Jean Hally stated that the article in the Local was weird, and did not have pictures of geese but ducks instead.

Mr. Doug Land advised that he was here to ask about the next scheduled meeting on Cornwall Commons. Mr. Land stated that he believed that Supervisor QUIGLEY said at the last meeting that any documents that would be considered for discussion at the next meeting would be available before then to the public. Deputy Supervisor GREENE agreed that that was true and that they would be available on the website before the next scheduled meeting regarding Cornwall Commons. Mr. Land also requested that there be clarity about the agenda.

Mr. Ken Cashman requested that we discuss Item #16 – Committee – Proposed Geese Control first. Deputy Supervisor GREENE announced that if any Town resident was interested in becoming a member of the Proposed Geese Control Committee to please submit a letter of interest to the Supervisor's office before the first Tuesday Work Session in August. Ms. GREENE asked those present to please continue to send emails with information to the Town Board members regarding this issue.

**Agenda Item #1 – Resolution – Uniform Notice of Claim Act** – Deputy Supervisor GREENE read a letter from the Town Attorney as follows: I am writing you in connection with an amendment to several New York State laws, all of which relate to notices of claim which must be served on the Town before actions against the Town can proceed. The State has enacted a Uniform Notice of Claim Act which became effective on June 15, 2013. Under the Act, notices of claim may now be served upon the Office of the Secretary of State as well as on the Town. The Secretary of State is required to forward a copy of the notice it receives to the Town certified mail return receipt requested. If a notice of claim is served upon the Secretary of State the claimant must pay a fee which appears to be \$250.00. The new Act provides that the fee is to be divided equally between the Secretary of State and the Town. In order to be in compliance with the new Act, the Town must file a certificate of designation with the Secretary of State by July 14, 2013. After reviewing the new statute and discussing it with the Association of Towns, it is my suggestion that the Town designate the Town Clerk as the Town officer to whom the Department of State must mail the notice of claim the Secretary receives. I have prepared and enclosed herein a resolution which designates the Secretary of State as the person to receive notices of claim served upon the Town. The resolution further directs the Town Clerk to file the required certificate with the Secretary of State. I have prepared the certificate which must be filed as well. WHEREAS, General Municipal Law §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim, and WHEREAS, General Municipal Law §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the Town's agent, and WHEREAS, pursuant to General Municipal Law, §50 – e(1) (a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board of the Town of Cornwall, County of Orange, designates Renata McGee, in her capacity as the Town Clerk, to receive notices by mail from the Secretary of State at Town Hall, 183 Main Street, Cornwall, New York 12518, BE IT FURTHER RESOLVED, that the Town Board

hereby directs the Town Clerk to file the required certificate with the Secretary of state informing the Secretary of the Town's designation and applicable time limitation for filing a notice of claim with the Town on or before July 14, 2013. A motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #2 – Resolution – Set Public Hearing – Affordable Housing** – WHEREAS, the Town Board has a local law before it entitled: A Local Law to amend Town Code Chapter 158 by amending Section 158-9 "Use Tables," Table of General Use Regulations MR District, 158 Attachment 3.1, and WHEREAS, the local law would amend the Town's Zoning Code to implement the provisions of the Town's Comprehensive Plan regarding the MR Zoning District, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the attached proposed local law, and
2. That a public hearing on the proposed local law be set for August 12, 2013 at 7:15 o'clock P.M. and that due notice of the same is directed to be given by publication and posting.

A motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #3 – Resolution – Sawyer v. Town of Cornwall** – Deputy Supervisor GREENE advised that this resolution was an agreement for settlement between the Town and a resident. WHEREAS, a Notice of Claim has been filed against the Town of Cornwall by the Glen A. Sawyer ("Claimant"), and WHEREAS, a settlement of the Claim, without any admission of wrongdoing on the part of the Town, has been proposed, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby authorizes the payment of seven thousand and five hundred dollars (\$7,500) in full settlement of the said claim, contingent upon receipt of a general release from the claimant; and
2. That the settlement shall also be contingent upon adoption of a mutually acceptable resolution pertaining to the Town's policy regarding police assistance in civil trespass matters.

A motion to adopt was made by Councilwoman LONGINOTT, seconded by Councilman MAZZOCCA.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #4 – Resolution – Tamara Lane Phase II** – Deputy Supervisor GREENE advised that this is a grant that we applied for Tamara Lane Phase II, and it is for HUD funding. WHEREAS, heretofore the Town of Cornwall applied for funding under the Fiscal Year 2014 Orange County Community Development Block Grant (“CDBG”) program for improvements to Tamara Lane; and WHEREAS, the engineer for the Town has been advised by the Orange County Office of Community Development that in order for the Town to receive the awards from the CDBG program, the Town must expedite and submit design and bid specifications; and WHEREAS, the engineer for the Town further advises that survey work is necessary to complete the design and bid specifications; NOW, THEREFORE BE IT RESOLVED as follows:

1. That the Town Board does hereby authorize the engineer for the Town to immediately proceed with design and bid specifications, and
2. That the Town Board does hereby authorize the engineer for the Town to retain a surveyor to complete the surveying portion of the design and bid specifications on behalf of the Town.

A motion to adopt was made by Councilwoman LONGINOTT, seconded by Councilman MAZZOCCA.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #5 – Guide Rail Purchase** – Deputy Supervisor GREENE advised that the Highway Superintendent has requested to install guide rail on Hasbrouck Avenue and repair a section on Otterkill Road; total cost \$23,375.12. Motion to approve was made by Councilwoman LONGINOTT, seconded by Councilman MAZZOCCA.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #6 – Oil & Chip Resurfacing** – Deputy Supervisor GREENE advised that we have received a memo from the Superintendent of Highways, Robert Conley with a schedule for road work for 2013 for oil & chip resurfacing. A motion to accept the schedule was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #7 – Resolution – Easement Sheldon Ct. Drainage Project** – Deputy Supervisor GREENE advised for the record that neighbors from Robert Road and Sheldon Ct. complemented the previous work done by Superintendent Robert Conley and his crew. Ms. GREENE added that this was for phase II of the drainage project. WHEREAS, a drainage easement in favor of the Town of Cornwall runs through Lots 16, 17, 18 and 19 as indicated on the Mirojo Realty Corp. Filed Map No. 1896 (“Filed Map”) and WHEREAS, the owner of Lot 10 on the Filed Map has also been affected by drainage issues; and WHEREAS, the owners of the above lots have requested that the Town of Cornwall perform work on the drainage easement premises including clearing of trees and other debris; and WHEREAS, the Town’s Highway Superintendent has requested that the Town Board authorize survey work to be performed by

Steven P. Drabick, P.L.S., PC to correctly mark and identify the drainage easement premises;  
NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby authorize the Highway Superintendent to engage Steven P. Drabick P.L.S., PC to provide the necessary survey work; and
2. That following receipt of the survey, the Town Board does hereby authorize the Town's Consulting Engineers to prepare a plan for the Town Highway Department to construct and install the easement; and
3. That the Town Board does hereby authorize the Attorney for the Town upon determination of the boundaries of the said easement to prepare and obtain all documents required for recording the same as part of a formal easement; and
4. That the Town's Highway Superintendent is further authorized to proceed with the proposed work on the drainage easement premises, and
5. That payment for all of the above work is to be funded through FY-2013 Highway Appropriations.

A motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #8 – Resolution – COVAC – Approve ALS Contract Request** – WHEREAS, the Town of Cornwall Ambulance District provides pre-hospital emergency medical service through the Cornwall Volunteer Ambulance Corps ("COVAC"); and WHEREAS, The Town of Cornwall and COVAC wish to provide the citizens of the Town with the level of care provided by Advanced Emergency Medical Technicians/Paramedics; and WHEREAS, the Town has received a proposed contract from Empire State Ambulance Corp., d/b/a Regional EMS Care 1 EMS d/b/a EMStar Ambulance ("EMStar"), a copy of which is annexed hereto; and WHEREAS, EmStar has the ability to provide advanced life support services and ambulance services, and desires to provide such services in the Town of Cornwall Ambulance District; NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board hereby approves the proposed contract received from EMStar and authorizes the Supervisor to execute the same. A motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #9 – COVAC – Liability Insurance** – Deputy Supervisor GREENE advised that we received a proposal from VFIS for \$16,251.00 which is an increase of \$2,093.00 from last year, and after speaking with our carrier, they recommended that we add on \$45 per year of additional coverage for injury. A motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #10 – Tax Information on TOC Web Site** – Deputy Supervisor GREENE advised that she received a request from our Receiver of Taxes, Maryanne O'Dell advising that she had contacted the Town webpage designer Joe Belsito, to add Town tax bills on our webpage for the public to view. The cost is \$750.00 to develop the database feed and create the search interface on the home page of the Town site. A motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #11 – Resolution – Town Clerk EZ Pass** – Deputy Supervisor GREENE advised that she received a letter from the Town Clerk, Renata McGee requesting permission to become an authorized retailer for the E-Z Pass On-the-Go program. We would purchase the passes for \$21 each and resell them for \$25. Minimum purchase of 1 box of passes/tags is required (25 tags in box = \$525) A motion to approve was made by Councilwoman LONGINOTT, seconded by Councilman MAZZOCCA.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #12 – Resolution – Historian Grant – Sands Ring**

- A. Apply for Grant
- B. Accept Grant

Deputy Supervisor GREENE advised that we had some very good news; that 2 grants were submitted to the County Historian and one was for \$3,000 and one was for \$1,000 totaling \$4,000 going towards the repair of the Sands Ring Homestead. Ms. GREENE added that there were two resolutions; one to apply for the grant and one to accept. WHEREAS, the Town Historian on behalf of the Town of Cornwall has determined to submit an application under the 2013 Orange County Historic Grants Program for a \$4,000.00 grant to fund repairs at the Sands Ring Homestead, and WHEREAS, the Town Historian has been designated to receive the award, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby authorize the submittal of an application to the Orange County Historic Grants Program for a \$4,000.00 grant, and
2. That the Town Historian is hereby authorized to execute documents as may be appropriate and necessary involved in the grant application process.

Motion to approve made by Councilwoman LONGINOTT, seconded by Councilman MAZZOCCA.

**ROLL CALL VOTE:** Unanimous Aye.

WHEREAS, the Town Historian on behalf of the Town of Cornwall has been authorized to submit an application under the 2013 Orange County Historic Grants Program for a \$4,000.00 grant to fund repairs at the Sands Ring Homestead, and WHEREAS, the Town Historian has been designated to receive the award, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby authorize the Town Historian to receive a \$4,000.00 grant award from the Orange County Historic Grants Program, and
2. That the Town Historian is hereby authorized to execute the necessary documents as may be appropriate and necessary to accept said award.

A motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #13 -- Sands Ring -- Establish Fund Raising Account** – Deputy Supervisor GREENE advised that they received an update from the Friends of Sands Ring Fund Raising Committee and we did contact the State and are now able to do a budget adjustment to create an account (A2709) for Sands Ring Donations. A motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #14 – Cornwall Commons – Schedule Meeting Date** – Deputy Supervisor GREENE advised that the date is set for July 24, 2013 at Munger Cottage at 7:00 P.M. and there will be a written response regarding the last meeting we had from the developer, and it will be made available to the public 7 days before the meeting along with an agenda for the meeting.

**Agenda Item #15 – Update – Proposed Pipeline for Village of Kiryas Joel** – Deputy Supervisor GREENE advised that there was a meeting in the Town of Woodbury that she, Councilman CLARK, and Councilwoman LONGINOTT attended along with many other Cornwall residents. Ms. GREENE wanted to let everyone know that the Town of Cornwall has received information from the State that our Town is considered phase II of the project, but we have not received any requests for permits as of yet. Deputy Supervisor GREENE advised that the Town is working diligently on this along with our attorneys and have submitted a letter to NYS. The concern is that in the building of the pipeline it is possible to undermine the water supply as well as to protect our and the Village's infrastructure. Ms. GREENE advised that we did hire a hydrologist to act as our expert, and that we are advised that if there is a public hearing, it will be held in the Town of Cornwall. As far as the bridge work on Rt. 32 and Orrs Mills Rd., there was a meeting held between the DOT and the bridge and they are going to assist in the traffic patterns.

**Agenda Item #17 – Local Laws 4, 5, & 6 Filed with State** – Deputy Supervisor GREENE advised that we received a letter from our attorney stating that the Secretary of State has advised that Local Laws 4, 5, & 6 were filed in the Secretary's office on June 5<sup>th</sup> 2013 and are now in effect.

**Agenda Item #18 – Personnel:**

**Police Department:** Chief Todd Hazard has advised that Sergeant Gebert has successfully completed his twenty-six (26) week probationary period effective June 13, 2013 and is



requesting that the Orange County Civil Service be notified. A motion to accept was made by Councilwoman LONGINOTT, seconded by Councilman MAZZOCCA.

**ROLL CALL VOTE:** Unanimous Aye.

**Training:** Deputy Supervisor GREENE advised that she received a letter from Victoria Kartis asking that the Board review the following proposal outlining training at the EMS Expo Sept 9<sup>th</sup> – 12<sup>th</sup> being held in Las Vegas Nevada 2013. In years past COVAC has sent multiple members to training conferences in Baltimore, MD (known as EMS Today Expo). These 5 members are the most active members. As you may recall all EMT's need to take 72 hours in continuing medical education credits. These seminars offer the best training available and these EMT's come back with a wealth of knowledge, which they share with their peers. The cost is \$235 for the entrance fee, \$160 for the hotel and air fare \$150 (members pay half). A motion to approve was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

#### **Committee Reports:**

**Fourth of July Celebration:** Deputy Supervisor GREENE thanked the committee and all those who participated; all the community organizations, our Police Department, our Sheriff's Department, NYS Police, our Buildings & Grounds Department and our Highway Department. Ms. GREENE said everything was fantastic and thank you for a wonderful day.

**Senior Citizens:** Deputy Supervisor GREENE advised that many new programs have been added at Munger Cottage; so we hope that our seniors go and attend. The Golden Age is very active; please call Town Hall or check our website for scheduling information. Orange County Development has a 0% home improvement loan with a deferred payment option for seniors as well as other programs. Please contact them at the County.

**Police Department:** Deputy Supervisor GREENE advised that the department has participated in the Buckle Up NY program, which has been very successful, and three of our officers specialized in this grant program. There have been 46 accidents this past month due to unusual weather and as always, if you are going away on vacation, please fill out a form and have the police department do house checks while you are away.

**COVAC:** Deputy Supervisor GREENE advised that she attended a meeting today along with our bookkeeper Pam Wood and a representative of COVAC and the billing company and they are in the process of getting Medicare Billing approval and it should be completed within the next few months. The Town did receive a check from COVAC for monies collected; COVAC will continue the checks on a monthly basis.

**Highway Department:** Deputy Supervisor GREENE advised that the department is very busy picking up roadside litter Town-wide, roadside mowing, trimming, assisted the Sanitation department with double pick-ups during holidays, bulk and electronic pick-ups, cleaned and performed equipment maintenance, installed drainage pipe, hot mix on multiple roads and

assisted Buildings & Grounds on moving the Town's cannon monument and assisted with work on Sands Ring Roof. Drainage issues on Deer Hill Road, fixed concrete steps off Broadway, sidewalks, street sweeping.

**Cable:** Councilman MAZZOCCA advised that there has been an increase in prices for Verizon customers; \$7 on full package and \$2 on individual package.

**Building Department:** Councilman MAZZOCCA advised that the department did a Spring Sweep of all illegal signs throughout the Town.

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**Recreation:** Councilwoman LONGINOTT advised that there is a trip to Wildwood scheduled for 9/23 – 9/27, a trip to Pocono Downs is scheduled for 8/1, the cost is \$32 per person and you get \$25 in slots and \$10 food coupon. There will be a trip to the Bronx zoo in October, please contact the Recreation Department. Summer programs are up and running and the pool is open.

**Warrant #7 –** Deputy Supervisor GREENE called for a motion for Warrant #7, a motion to approve was made by Councilwoman LONGINOTT, seconded by Councilman MAZZOCCA.

**ROLL CALL VOTE:** Unanimous Aye.

**Public Comment:** Mr. Frank Decker thanked the Board members who attended the KJ Pipeline meeting in the Town of Woodbury, and stated that it is important for Cornwall to pool our resources with Woodbury in this situation. Mr. Doug Land asked if it was possible to get a copy of the transcript from the Cornwall Commons Meeting held at the school. Deputy Supervisor GREENE advised that the stenographer was hired by the developer, and that we could inquire if they were willing to make a copy available to us.

There being no further business to conduct, a motion to adjourn was made by Councilman MAZZOCCA, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.